

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 BRANDON CHARLES HATCH,

13 Defendant.

CASE NO. CR19-0095-JCC

ORDER

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15 This matter comes before the Court on the parties' stipulated protective order (Dkt. No.

16 13). The Court ENTERS the following:

17 1. Protected Material

18 The following documents and materials are deemed Protected Material. The Government  
19 will make available copies of the Protected Materials, including those filed under seal, to defense  
20 counsel to comply with the Government's discovery obligations. Possession of copies of the  
21 Protected Materials is limited to the attorneys of record, investigators, paralegals, law clerks,  
22 experts, and assistants for the attorneys of record (hereinafter collectively referred to as  
23 "members of the defense team"). The following are deemed "Protected Material":

24 a. Grand Jury transcripts and exhibits;

25 b. Victim and witness statements, including but not limited to reports of law  
26 enforcement officers memorializing victim and witness statements, and written and recorded

1 statements by the victim and witnesses;

2           c. Digital and photographic evidence relating to the victim and other witnesses;

3           d. Personal and other information, including Child Protective Services and Tribal

4 Child Welfare records, concerning the victim and other witnesses. Documents, reports, or

5 writings containing personal information about or related to the victim and witnesses provided

6 by the Government in discovery is deemed Protected Material. As used in this order, the term

7 "personal information" refers to each victim and witness's full name, date of birth, Social

8 Security number (or other identification information), driver's license number, tribal

9 identification, address, telephone number, location of residence or employment, school records,

10 juvenile criminal records, child welfare, and other confidential information.

11           2. Scope of Review of Protected Material

12           The members of the defense team may display and review the Protected Material with

13 Defendant. The members of the defense team acknowledge that providing copies of the Protected

14 Material to Defendant and other persons is prohibited, and agree not to duplicate or provide

15 copies of Protected Material to Defendant and other persons.

16           The United States Attorney's Office for the Western District of Washington is similarly

17 allowed to display and review the Protected Material to lay witnesses, but is otherwise prohibited

18 from providing copies of the Protected Material to lay witnesses, i.e., non-law enforcement

19 witnesses.

20           3. Consent to Terms of Protective Order

21           Members of the defense team shall provide written consent and acknowledgement that

22 they will each be bound by the terms and conditions of this order. The written consent need not

23 be disclosed or produced to the Government unless requested by the Assistant United States

24 Attorney and ordered by the Court.

25           4. Parties' Reciprocal Discovery Obligations

26           Nothing in this order should be construed as imposing any discovery obligations on the

1 Government or Defendant that are different from those imposed by case law, Federal Rule of  
2 Criminal Procedure 16, and the Local Criminal Rules.

3       5. Filing of Protected Material

4       Any Protected Material that is filed with the Court in connection with pre-trial motions,  
5 trial, sentencing, or other matters before the Court shall be filed under seal and shall remain  
6 sealed until otherwise ordered by the Court. This does not entitle either party to seal their filings  
7 as a matter of course. The parties are required to comply in all respects to the relevant Local and  
8 Federal Rules of Criminal Procedure pertaining to the sealing of court documents.

9       6. Non-Termination

10      The provisions of this order shall not terminate at the conclusion of this prosecution.

11      7. Violation of Protective Order

12      Any violation of any term or condition of this order by Defendant, any member of the  
13 defense team, or any attorney for the United States Attorney's Office for the Western District of  
14 Washington may be held in contempt of court, and/or may be subject to monetary or other  
15 sanctions as deemed appropriate by the Court.

16      If the Defendant violates any term or condition of this order, the Government reserves its  
17 right to seek a sentencing enhancement for obstruction of justice, or to file any criminal charges  
18 relating to Defendant's violation.

19      DATED this 18th day of June 2019.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE